

AUG 16 2006 17:19 FR PROSKAUER ROSE LLP 202 347 9481 TO 7602#66781001#15 P.01

RECEIVED  
CENTRAL FAX CENTER

AUG 16 2006

PROSKAUER ROSE LLP

1001 Pennsylvania Avenue, NW  
Suite 400 South  
Washington DC 20004-2533  
Telephone 202.416.6800  
Fax 202.416.6899NEW YORK  
LOS ANGELES  
BOSTON  
BOCA RATON  
NEWARK  
NEW ORLEANS  
PARIS

CUSTOMER NO: 61263

**Fax Transmittal**

Date August 16, 2006 Attorney Docket No. 66781-017US

Total Pages (Including Cover) 21

From Paul M. Booth

Sender's Voice Number 202.416.5806

Sender's Room Number DC

Sender's Email Address pbooth@proskauer.com

Main Fax Number 202.416.6899

To: U.S. PATENT &amp; TRADEMARK OFFICE

Fax No.: 571-273-8300

Message

**OFFICIAL COMMUNICATION**

RE: U.S. Application No. 10/550,715  
 Filing Date: March 24, 2004  
 First Named Inventor: Abelardo Silva  
 Art Unit: Unassigned  
 Examiner: Unassigned

**SUBMITTED PAPERS:**

- CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8 FORM PTO/SB/97 (1 page)
- TRANSMITTAL FORM PTO/SB/21 (1 page)
- FEE TRANSMITTAL FORM PTO/SB/17 (1 page)
- PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (1 page)
- NOTICE OF MISSING PARTS (2 pages)
- PRELIMINARY AMENDMENT (10 pages)
- EXECUTED DECLARATION AND POWER OF ATTORNEY (4 pages)

**Confidentiality Note:** This message is confidential and intended only for the use of the addressee(s) named above. It may contain legally privileged material. Dissemination, distribution or copying of this message, other than by such addressee(s), is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original to us at the address above. We will reimburse you for the cost of the telephone call and postage. Thank you.

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. CMB 08E1-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

RECEIVED  
CENTRAL FAX CENTER  
AUG 16 2006

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on August 16, 2006  
Date

  
Signature

Karen Hieronymus

Typed or printed name of person signing Certificate

202-416-6800

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

**IDENTIFIED SUBMITTED PAPERS RE: APPLN NO. 10/550,715:**

- TRANSMITTAL FORM PTO/SB/21 (1 page)
- FEE TRANSMITTAL FORM PTO/SB/17 (1 page)
- PETITION FOR EXTENSION OF TIME (1 page)
- NOTICE TO FILE MISSING PARTS (2 pages)
- PRELIMINARY AMENDMENT (10 pages)
- EXECUTED DECLARATION AND POWER OF ATTORNEY (4 pages)


This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TRANSMITTAL FORM	Application Serial Number		10/550,715
	Filing Date		March 24, 2004
	First Named Inventor		Abelardo Silva
	Group Art Unit		Unassigned
	Examiner Name		Unassigned
	Attorney Docket No.		66781-017US
	Patent No.		Not applicable
	Issue Date		Not applicable

RECEIVED  
CENTRAL FAX CENTER  
AUG 16 2006

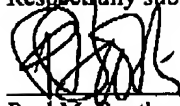
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fcc Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fcc Transmittal Form  <input checked="" type="checkbox"/> Amendment/Response <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]  <input checked="" type="checkbox"/> Petition for Extension of Time (1 month)  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)  <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input type="checkbox"/> Return Receipt Postcard  <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input type="checkbox"/> Additional Enclosure(s) (please identify below)

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: PATENT ADMINISTRATOR Proskauer Rose LLP 1001 Pennsylvania Ave., N.W. Suite 400 Washington, D.C. 20004 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899 CUSTOMER NO: 61263	Date: August 16, 2006 Reg. No.: 40,244 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899  <div style="text-align: center;">           Respectfully submitted,          Paul M. Booth          Attorney for the Applicant(s)          Proskauer Rose LLP          1001 Pennsylvania Ave., N.W.          Suite 400          Washington, D.C. 20004       </div>

08/22/2006 MAYPAGH 00000108 503840  
01 FC:267 65.00 DA

<b>FEE TRANSMITTAL</b> <b>FY 2006</b>				Complete if Known					
				Application Serial No.		10/550,715		<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>AUG 16 2006</b>	
				Filing Date		March 24, 2004			
				First Named Inventor		Abelardo Silva			
				Group No.		3064			
				Examiner Name		Unassigned			
Confirmation No.		Unassigned							

METHOD OF PAYMENT				FEE CALCULATION (continued)				
<input checked="" type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other				4. ADDITIONAL FEES				
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-3840 <input checked="" type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.								
<input checked="" type="checkbox"/> Applicant claims small entity status.								
FEE CALCULATION								
1. BASIC FILING, SEARCH, AND EXAMINATION FEES								
Application Type	Filing	Search	Examination	Fee Paid	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	
Utility	300	500	200		130	65	Surcharge - late filing fee or oath	
Design	200	100	130		50	25	Surcharge - late provisional filing fee or cover sheet	
Plant	200	300	160		130	130	Non-English specification	
Reissue	300	500	600		2,520	2,520	Request for ex parte re-examination	
Provisional	200	0	0		120	60	Extension for reply within 1 <sup>st</sup> mo.	
Small Entity Discount					450	225	Extension for reply within 2 <sup>nd</sup> mo.	
1. TOTAL					1,020	510	Extension for reply within 3 <sup>rd</sup> mo.	
2. EXCESS CLAIM FEES					1,590	795	Extension for reply within 4 <sup>th</sup> mo.	
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent				50	25	2,160	1,080	Extension for reply within 5 <sup>th</sup> mo.
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent				200	100	500	250	Notice of Appeal
Total Claims						500	250	Filing a brief in support of an appeal
Extra Claims						1,000	500	Request for oral hearing
Fee Paid (\$)						400	0	Petitions to the Director
						180	180	Submission of IDS
						790	395	Filing a submission after final rejection (37 CFR 1.129(a))
						790	395	For each additional invention to be examined (37 CFR 1.129(b))
						100	100	Certificate of Correction for applicant's error
						130	65	Submission of Terminal Disclaimer
						Other fee (Specify)		
						Other fee (Specify)		
						4. TOTAL: \$125.00		
2. TOTAL:					TOTAL AMOUNT SUBMITTED			
					(\$125.00)			
3. APPLICATION SIZE FEE				SIGNATURE BLOCK				
If the specification and drawing exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				Respectfully submitted,  Date: August 16, 2006 Reg. No.: 40,244 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899 Paul M. Booth Attorney for the Applicant(s) Proskauer Rose LLP 1001 Pennsylvania Ave., N.W., #400 Washington, D.C. 20004				
Total Sheets	Extra Sheets	Additional 50 or fraction thereof	Fee (\$)					Fee Paid
-100-	0	/50-	round up to a whole number x					= 0.00
3. TOTAL:								
CORRESPONDENCE ADDRESS								
Direct all correspondence to: Patent Administrator Proskauer Rose LLP 1001 Pennsylvania Avenue, N.W., Suite 400 Washington, D.C. 20004 Tel. No.: (202) 416-6800 Fax No.: (202) 416-6899 CUSTOMER NO: 61263								

RECEIVED  
CENTRAL FAX CENTER

Page 1 of 2

AUG 16 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1409  
Alexandria, Virginia 22313-1409  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/550,715	FIRST NAMED APPLICANT Abelardo SILVA	ATTY. DOCKET NO. 38911-0017
---	---	--------------------------------

INTERNATIONAL APPLICATION NO. PCT/US04/08847
---

I.A. FILING DATE 03/24/2004	PRIORITY DATE 03/24/2003
--------------------------------	-----------------------------

26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1717 RHODE ISLAND AVE, NW  
WASHINGTON, DC 20036-3001

PROSKAUER ROSE LLP

JUN 28 2006

CONFIRMATION NO. 3064

371 FORMALITIES LETTER



\*0C000000018666770\*

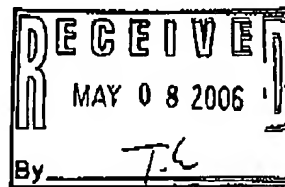
Decl Fees  
Due: 7/3/06

Date Mailed: 05/03/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/26/2005
- Copy of the International Search Report filed on 09/26/2005
- U.S. Basic National Fees filed on 09/26/2005
- Priority Documents filed on 09/26/2005
- Specification filed on 09/26/2005
- Claims filed on 09/26/2005
- Drawings filed on 09/26/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$5305 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$85 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

REVIEWED

Total additional fees required for this application is \$5370 for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 5305
  - \$1800 for 18 independent claims over 3.
  - \$3325 for 133 total claims over 20.
  - \$180 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,715	PCT/US04/08847	38911-0017

FORM PCT/DO/EO/905 (371 Formalities Notice)